

MINUTES

FIRE PROTECTION SPRINKLER SYSTEMS WORK EXAMINING BOARD

MAY 21, 2015

The meeting was called to order by Chairperson David Waskowicz on Thursday, May 21, 2015 at 9:01 a.m. in Room 117 of the State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

Members Present: David J. Waskowicz - Unlimited Journeyperson,
Chairperson
Kevin Wypychoski – Unlimited Contractor
Robert W. Hollis, III – Unlimited Contractor
Thomas E. Booth – Unlimited Journeyperson
Kevin Griffith – State Fire Marshal
Anthony D. Moscato – Public Member
John Michalewicz – Public Member
Edward Peznowski – Public Member

Board Vacancies: One local fire marshal

DCP Board Staff: Richard M. Hurlburt, Director
Karen Layman, Secretary

Others Present: Anthony Santoro, DCP Staff Attorney
Paul Femia, Dept. of Labor
David LaFond
Meg Amenta

Note: The administrative functions of the Boards, Commissions and Councils are carried out by the Department of Consumer Protection, Occupational and Professional Licensing Division. For information contact Richard M. Hurlburt, Director at (860) 713-6135 or Fax: (860) 706-1255.

Agency Website: www.ct.gov/dcp **Division E-Mail:** dcp.occupationalprofessional@ct.gov

SWEARING IN OF NEW MEMBER:

Edward Peznowski was sworn in by Anthony Santoro, DCP Staff Attorney, as a Public Member of the Fire Protection Sprinkler Systems Work Examining Board

MINUTES OF PREVIOUS MEETING:

The Board voted unanimously to approve the minutes of the April 16, 2015 Fire Protection Sprinkler Systems Work Examining Board meeting as written.

COMMENTS OR CONCERNS OF ANY PERSON PRESENT TODAY:

None

APPEARING IN PERSON FOR RECONSIDERATION:

Joshua Smith, Coventry, CT – (F-2) Unlimited Journeyperson – Approved

The Board voted to deny Mr. Smith’s (F-2) application due to lack of apprenticeship completion certificate at the January 15, 2015 meeting. Meg Amenta, Wolverine Fire Protection, appeared on behalf of Mr. Smith and provided the apprenticeship completion certificate. Upon the review of this certificate, the Board voted unanimously to approve this application.

APPLICATIONS:

None

OLD BUSINESS:

1. Residential fire sprinkler systems

Chairperson David Waskowicz provided feedback on the May 2, 2015 live burn demonstration presented by the Connecticut Fire Sprinkler Coalition in West Hartford, Connecticut.

2. The following documents have been provided, per the Board’s request for notification in writing of any changes in statutes or regulations pertaining to the Fire Protection Board:
 - Chapter 393, 20-335 Re: License renewal
 - Section 21a-4 Re: License reinstatement

The Board reviewed these two documents and requested clarification of Section 31-22u, which is referred to in both of these documents. In addition, the Board requested a complete set of statutes and regulations, and noted that this was requested last month.

3. The following work schedules have been provided, per the Board's request:
- Work Schedule for Fire Suppression Systems Technician (F-4)
 - Work Schedule for Sprinkler Fitter (F-2)

The Board so noted.

NEW BUSINESS:

1. Discussion on Sec. 20-340. Exemptions from licensing requirements.

The Board briefly discussed this exemption to Chapter 393, Title 20, which states that the provisions of this chapter shall not apply to persons employed by any federal, state or municipal agency.

2. Discussion on regulations for the P6/P7 license category

Board Member Robert Hollis requested clarification of whether or not it is specifically stated in any license category regulation that the P6/P7 is not allowed to come inside a building and must adhere to a "five foot rule". Richard Hurlburt confirmed that there is not such a rule and that the regulations state that a P6/P7 can go up to and just inside the structure.

CORRESPONDENCE:

1. E-mail from Richard Hurlburt, Director, to Joseph Summers, Building Official, Town of Marlborough, dated April 30, 2015 regarding licensing requirements for the installation of a multipurpose 13D sprinkler system, which states:

*Joseph J. Summers
Building Official*

13D sprinkler system (standalone system)

Can be installed by Homeowner or an F-1 Licensed Contractor with F-2 licensed employees.

13D multipurpose sprinkler system (IRC Section P2904)

Can be installed by a Homeowner or license Contractor that holds dual types P-1 and F-1 license with employees that hold dual types P-2 and F-2.

*Thank you,
Richard M. Hurlburt, Director*

A discussion took place regarding potential problems with the dual licensing requirement for these multipurpose sprinkler systems. The Board requested input from David LaFond, NFSA, on multipurpose sprinkler systems. Mr. LaFond stated that NFSA's stance on this topic, as a sprinkler industry association and an association that currently has no members in the plumbing trade, has been and remains neutral.

2. Letter dated April 13, 2015 from the Office of the Governor appointing Edward Peznowski to the Fire Protection Sprinkler Systems Board as a public member.

DCP TRADE PRACTICES COMPLAINT STATUS REPORT:

A request was made of DCP Trade Practices Division, including open, closed, and dismissed cases. Trade Practices Division did not provide the Board with a full report as requested; the Board only received notification that there were no closed complaints for this reporting period. The Board requested they be provided with a full report that includes the status of open and dismissed complaints, as well as closed, at next month's meeting.

COMMENTS OR CONCERNS OF ANY PERSON PRESENT TODAY:

David LaFond, NFSA speaks on the topic of multipurpose residential fire sprinkler systems. See Correspondence #1

(9:52 Recess taken; 10:30 Meeting resumes)

APPEARANCE FROM OFFICE OF THE ATTORNEY GENERAL:

Assistant Attorney General Eileen Meskill attended this meeting to provide legal advice regarding the following case: *Supreme Court of the United States, North Carolina State Board of Dental Examiners v. Federal Trade Commission*. Attorney Meskill provided the Board with a brief overview of this case, in which the North Carolina State Board of Dental Examiners issued cease-and-desist letters to non-dentist teeth whitening service providers and, subsequently, the FTC filed a complaint charging the Board with violating the Federal Trade Commission Act. The Supreme Court affirmed the FTC's position that the board, even though they were authorized by state statute, did not have immunity, and the board did not prevail. The board must be actively supervised by the state in order to claim antitrust immunity.

Further discussion ensued regarding what constitutes "active state supervision", and how this case relates to the duties performed by this Board. Attorney Meskill noted that it is important that licensing boards be consistent, and that Chairperson David Waskowicz feels that the Fire Protection Board has been consistent with any and all matters that have been presented to it.

The Board is advised to contact the AAG's Office at any time to request legal advice if they feel it is warranted.

There being no further business, the meeting adjourned at 11:02 a.m.

Respectfully submitted,

Karen Layman,
Board Secretary

2015 Meeting Schedule

- June 18, 2015
- July 16, 2015
- August 20, 2015
- September 17, 2015
- October 15, 2015
- November 19, 2015
- December 17, 2015

All meetings will take place at 9:00 a.m. at 165 Capitol Avenue, Hartford, CT in Room 117